

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TERRANCE WILLIAMS,)	
)	
Movant,)	
)	
v.)	No. 4:16-CV-1036 (CEJ)
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on the motion of Terrance Williams to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255. The United States has filed a response.

After pleading guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), movant was sentenced under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), to a 188-month term of imprisonment. His status as an armed career criminal was premised on his three prior Missouri felony convictions for burglary second degree of an inhabitable structure and a federal felony conviction for possession with intent to distribute in excess of five grams of cocaine base.

In its response to the motion to vacate, the United States concedes that movant's burglary second degree convictions are no longer a predicate offenses that can be used to enhance a sentence under the ACCA. See *Johnson v. United States*, 135 S.Ct. 2551 (2015); *Mathis v. United States*, 136 S.Ct. 2243 (2016); *Henderson v. United States*, 2016 WL 4967898 at *6 (W.D. Mo. 2016). Thus, movant does not have the requisite number of predicate felony convictions to qualify him as an armed career criminal. Because movant is entitled to relief under *Johnson* and *Mathis*, the

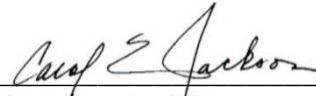
judgment entered in the criminal case will be vacated, and movant will be re-sentenced without application of the ACCA.

Accordingly,

IT IS HEREBY ORDERED that the motion of Terrance Williams to vacate, set aside, or correct sentence [Doc. # 2] is **granted**.

IT IS FURTHER ORDERED that a copy of this Memorandum and Order shall be filed in the underlying criminal case, United States v. Terrance Williams, No. 4:14-CR-155 (CEJ).

An order vacating the judgment will be entered separately.

A handwritten signature in cursive script, reading "Carol E. Jackson", is written over a horizontal line.

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of March, 2017.